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16 February 1999

RECEIVED PERSONAL SCHOOLS COMME STATE OF THE SECRET

Magalie Roman Salas, Secretary Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Re: Ex Parte Filing

CC Docket No. 96-115

Dear Ms. Salas:

On February 10, 11, 12, 15, and 16, 1999, members of the Association of Directory Publishers ("ADP") forwarded letters to Chairman Kennard (1) urging the Commission to adopt cost-based pricing rules implementing Section 222(e); (2) urging the Commission to require ILECs to provide CLEC listings to independent directory publishers; and (3) documenting abusive behavior by ILECs against independent directory publishers. Copies of the letters are attached to this filing. Identical letters were also forwarded to each Commissioner by each publisher.

Pursuant to the Commission's rules, two (2) copies of this letter are being filed. Please call the undersigned at (202) 429-4730 if you have any questions regarding this filing.

Sincerely,

Sophie J. Keefer

Enclosures

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February 11, 1999

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard:

It is my understanding that a draft order on Section 222(e) of the Telecommunications Act has gone to the FCC Commissioners for a vote on subscriber list provision order on Thursday, February 25.

As an independent publisher who has struggled with every phase of utility companies' failure to cooperate, when it comes to free enterprise competition, I must stress to your governing body the need for the FCC to thoroughly understand our position. We not only need your guarantee as our representatives but also your assurance that our industry will survive the unfair monopolistic actions of utility company anti-competitive tactics.

Case in point is Texarkana, Texas, a General Telephone Company utility service area. When we requested listings we were told the price would be 35 cents per listing. I informed them that I did not understand their charge when the identical service in California went for 10 cents per listing. The General Telephone Company representative informed me that the reason for the discrepancy was due to the California Public Utility Commissions ruling that prohibited them charging more. My response was to inquire if we should be forced to deal with a utility commission in Texas that was but into place by appointment and usually politically inclined to favor the particular party in power. Unfortunately quite often utility commissioners have difficulty understanding the intricacies of utility companies let alone an entirely separate part of utility companies faced with mounting competition.

The Texarkana situation is further confusing to us for the following reason. Lewisville, Arkansas is served by an independent utility company called Walnut Hill Telephone Company. This privately owned utility company contracted our company to publish their telephone directory. General Telephone Company was not aware that we also published the "independent version" of the Texarkana Area Wide Telephone Directory that included many of the Walnut Hill exchanges. The GTE tariff required that any areas connecting utility companies together by "free calling" or commonly called "extended area service" (EAS) would have to list each others subscriber lists so as to provide custoriters of both GTE and Walnut Hill Telephone Companies free call subscriber access. Acting on behalf of Walnut Hill Teleo, Independent Telephone Company Inc. (ITD) ordered listings for Texarkans to be inserted for the Walnut Hill exchange. GTE informed ITD (acting on behalf of Walnut Hill Teleo) that the listings would simply be an "exchange". Exchange meaning that Walnut Hill with approximately 6,000 listings would trade their listings for approximately 34,000 GTE listings. This would never happen should ITD be requesting the same trade off. ITD would have had to pay the difference between 6,000 listings and 34,000 listings or 35 cents times 28,000.

The above is a typical example of the brother-in-law relationship that exists between utility companies. The fact that these companies usually share long distance services, the most fucrative part of telecommunications, with each other should not be overlooked.

The above example is typical, not at all unusual. The only utility company to my knowledge, that appears to be making an attempt to deal fairly with this issue is BellSouth who currently charges 4 cents per listing. While trying, they do not give any guarantee of future cooperation.

It should be obvious to any political body that utility companies have a constant flow of the public's money to conduct their business. We in the private sector must make our money the old fashioned way. That is "carn it". To use public money to finance anti-competitive actions would seem to go against encouraging the propagation of the free enterprise concept. We do not have the luxury of lobbying politicians with public money that rolls in no matter how inefficient some utility companies operate.

It is vitally important to our future for you to explicitly order the utility companies to include service listing information (SLI) prices that make very clear defined cost based standards that leave no room to vary via loop holes in your decision making. It is equally imperative that you require independent local exchange carriers (ILEC's) to provide competitive local exchange carriers (CLEC's) listing information that can and will be forwarded to independent publishers such as our company.

Our 34 years of struggle with utility non-cooperation should convince any rule governing body that these people, utility to be explicit, will not, have not and will never cooperate unless they are faced with a directive they cannot fail to understand. A directive that will make it clear to them and their attorneys that it would be useless for them to use much more of our public money in an attempt to dissuade and stifle competition.

The ball is in your court and we humbly ask that you direct the utility companies to adhere post haste to your directives that truly open the road to real competition and fair trade. This will give the market place a fair chance to rule and isn't that what it's all about?

I will testify at your beckon should you need personal appearances. This is my 43rd year associated with utility type directory publishing. We need your help.

Yours truly,

E. Sam Pogue

CEO



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February 10, 1999

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard,

I am pleased that the Commission will soon be considering an order on Section 222(e) of the Telecommunications Act. I understand that the order guarantees independent publishers access to subscriber list information. I also understand that the language in the order will compel the incumbent utility telephone companies to provide that information to companies such as mine on a "timely and unbundled basis, under nondiscriminatory rates, terms and conditions". It is critical that this order provide that the subscriber list information be provided at a cost established by the order or be provided on a clear, cost-based pricing standard.

1-800-592-4733 Member, Association of Directory Marketing Association of Directory Publishers

With the emergence of Competitive Local Exchange Carriers (CLECs) in my markets, it now becomes critical to my business that the order contain language which will compel the Incumbent Local Exchange Carriers (ILECs) to provide my Company with CLEC subscriber listings in order for my directories to be as complete as the ILEC directories.

It is of paramount importance to my business, and to the other independent telephone directory publishers operating across the country, that such an order be approved and enforced in order to create the kind of "level playing field" which Congress intended when it enacted the Telecommunications Act. Hopefully this will bring to an end the arrogant and abusive behavior of the local exchange carriers in the marketplace.

I have built a business which employs over 100 people in West and South-East Texas over the past ten years. I have done that by offering my small business customers more product for less money than they have to pay Southwestern Bell and GTE for Yellow Page advertising. Like any other small business manager, I thrive on competition. However, it has been unreasonably difficult to build this business when the sole source of listing data for my telephone directory product is available only from those same monopoly players with which I compete in the markets I serve.

Honorable William Kennard February 10, 1999 Page 2 of 2

I have for years, have been forced to sign one sided contracts, written by the utility companies, on a "take it or leave it" basis to purchase listings at absurdly inflated rates in order to publish the quality of information which the users of my directories and my customers should end do demand. Without this order, I am now looking at the probability that the ILEC's will choose to withhold CLEC listings, further improving their competitive advantage in the marketplace

I am convinced that a very explicit and forceful ruling by the Commission will be the only hope I have to be able to operate my business in a marketplace which is competitive in any true sense of the word. I am encouraged that, with this order, the Commission will be taking a very positive step forward in the implementation of the Telecommunications. Act in the same spirit which led to the enactment of that landmark legislation.

Thank you for considering my concerns.

Regards

Bob Allen III. President

Associated Publishing Company

Phone Guide

COMMUNITY TELEPHONE DIRECTORY

February 10, 1999

Mr. William Kennard Chairman Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Re: Subscriber List Provision Order vote on Thursday, Feb. 25, 1999

Dear Mr. Kennard:

It is my understanding that the FCC will be considering an order on Section 222(e) that guarantees us, as independent directory publishers, access to subscriber list information on a "timely and unbundled basis, under nondiscriminatory rates, terms, and conditions".

As an independent telephone directory publisher for over 10 years, we hope you will support this request. Not only have we found a large difference in rates we pay between different utility companies (anywhere from 25 to 75 cents per listing), as well as quality of the listing updates we receive. Attached are a few specific examples of problems we have had with our purchased lists.

Any support you can lend us in being able to publish a quality independent telephone directory would be appreciated.

Sincerely Went

Ken Winter

General Manager and Vice President

FAX F E E T

To:

Pete Petoski

Fax#:

248-424-2930

Subject:

Listings

Date:

July 9, 1997

Pages:

I including this cover sheet.

COMMENTS:

Pete -

Yesterday I left a voice mail for you to call me. Here is what our concern is: In January, 1997 we purchased listings for the Charlevoix-Emmet directory. 'We received the following:

1. Jill Talarico, 148 Beaubian Petoskey, 616-348-6943. This person happens to work with Kirk Schaller. She told him that she has not lived at this address for 2 ½ years and no longer has this phone number. Her number is now under a different person's name. She called Ameritech about a year ago to get this corrected. When the May 1997 Ameritech book came out she was not listed. How could this happen? NAME Charge, in 22.97.

2. Dr. Louis R Zako, MD, 2206 Mitchell Park Dr., Petoskey, 616-347-1070. He also called our office and said he was not affiliated with this number since March 7, 1996. Yet we received listing from Ameritech. Again this number was not in the May 1997 Charlevoix-Emmet Ameritech book. Couldn't find anything on this account.

(50 ice 1993)

Not under this # anymore

Please check the above and let me know as soon as possible.

Thank you

Jan LaChance

Office Manager

From the deak of...

Jan LaChence Office Manager Review Directories Inc 311 % E Mitchell St Petoskey, MI 49770

> 616-347-8608 Fax: 618-347-7388

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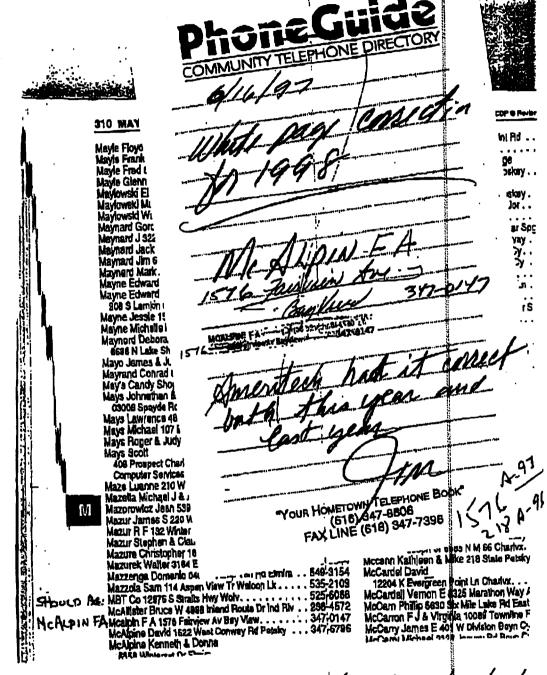
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COMMUNITY TELEPHONE DIRECTORY COMMUNITY TELEPHONE DIRECTORY please "Your Hometown Telephon (816) 347-8606 FAX LINE (516) 347-7

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YOUR HONETOWN TELEPHONE BOOK

IS IN THE FAX LINE (616) 347-7398

1999 BOOK From Amerikan Download

Page 16/22

FEB. 10. 1999 3: 15PM

PETOSKEY NEWS REVIEW

Phone Guide COMMUNITY TELEPHONE DIRECTORY

Published by Review Directories, Inc.

3111/2 E. Mitchell Street, Petaskey, Michigan 49770-2615 Phone (616) 347-8606 Fax (616) 347-7398

May 20, 1997

Mr. Pete Petoski 23500 Northwestern Hwy. Room A-106 Southfield, MI 49075

Dear Pete:

Found something strange in the listings that we purchased from Ameritech back in January. Zako, Louis R MD, 2206 Mitchell Park Dr. Petoskey, 616-347-1070 was purchased (copy of list attached) and when the May Ameritech book came out it wasn't there. Dr. Zako called our office and said that he was not affiliated with this phone number since March 7, 1996. Could you check this our for me?

Thank you.

Janet LaChance
Office Manager

7-7-9

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348-4913

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Sent By: ;

616 922 9052;

Feb-12-98 10:21AM;

Page 9/22

FROM: ADP PHONE NO.: 508 384 0837

Feb. 10 1999 03:47PM P2

Pebruary 10, 1999

The Honorable William Kermard Chairman Federal Communications Commission 445 12th Street, S.W. Washington, D.C.: 20554

Dear Chairman Kennard:

I understand that our nearly three year wait for consideration of an order on Section 222(E) is nesting an end. I know you are sware of our long struggle to attain a level playing field. We all benefit from competition in the marketplace. During the last three years, my long distance phone costs have dropped by 50%. My local phone service costs keep increasing.

We must have an order that includes a price for SLI or very clear cost-based pricing standards and a requirement that ILECS must provide CLEC listings to Independent Directory Publishers. Only a very strong clear standard will work. The local exchange carriers will defend their monopoly with our money for as long as possible.

I know you, the other commissioners and your staff are fighting the good fight against powerful entremohed interests. I can relate to what you are up against. I just want you to know your time and efforts are appreciated.

Wallace E. Downey

President

Southwestern Information Publishing

WED/mt



Page 10/22

FAX NO. 3

P. 02

FEB-10-99 WED 15:56



15324 MACK AVENUE • GROSSE POINTE PARK, MI 48224-3330 • (313) \$62-0702 • FAX (313) 884-3779

February 10, 1999

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard;

It has come to my attention that on February 25, the FCC will be deliberating an order on Section 222(e) which would place restrictions upon ILECs to allow independent directory publishers, such as myself, to obtain subscriber list information under reasonable conditions and costs.

I cannot emphasize enough how important this issue is to the future of directory publishers in general and my company in particular. Access to SLIs, received on a timely basis for reasonable costs, could easily provide the impetus my small business requires for expansion. Because of the exorbitant pricing of SLIs and the size of my business, I find it difficult to justify an expenditure of this nature and consequently have been unable to do so. Competition from large exchange carriers is keen locally and easier access to SLIs could be crucial to the ongoing success of my company.

It is essential that any order approved by the commission include a specific provision that ILECs are required to supply these listings to independent directory publishers and that pricing standards or exact pricing also be explicitly defined.

It is unfortunate that the needs of independent directory publishers have been virtually ignored regarding this issue. But with the passage of a concise and effective ruling by the Commission those injustices could, at long last, be rectified.

Sincerety.

Kimbriel Towar

Publisher



February 10, 1999

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard:

It has come to my attention that very soon you will be considering an order on section 222(e) which would guarantee independent phone book publishers such as ourselves access to subscriber list information on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions.

This order you will be considering will have meaningful effect on Central Michigan Directories, Inc., and any other independent publisher's ability to obtain subscriber list information at reasonable prices. Currently, we can purchase listings from Ameritech Information Systems for \$.13 per list. GTE Corporation sells their listings for \$.35 per listing. Our position is that \$.13 per listing is difficult to cost justify and \$.35 per listing is downright anti-competitive. I have spoken with Yellow Pages publishers from other parts of the country that are charged upwards of \$1.00 per list. I would implore you to place in the proposed order unequivocal language stating that pricing by these service listing providers be based on their cost of providing the listings. Also, I would ask for wording that establishes an independent phone book publisher's right to purchase these listings in an unbundled manor rather than having to purchase all listings in the provider's bundle when only a fraction is needed. Surely the technology is available.

We as Independent Yellow Page Publishers are not asking for special consideration but rather for a level playing field in the market place and fair and reasonable pricing from the SLI providers.

Sincerely.

David Pety, General Makager Central Michigan Directories, Inc.

DP:clh

Feb-11-99 12:46P MacGregor Publishing Co. 360 428-3052

P.02



Plaid Directorles . PlaidNET . Plaid Hotline

February 11,1999

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street SW, Room 8-B201 Washington, DC 20554

re: FCC Rulemaking - Section 222(e), Telecommunications Act

Dear Chairman Kennard:

My name is Robert Taylor and I am the Chief Executive Officer for MacGregor Publishing Company. We are an independent telephone directory publisher with headquarters in Mount Vernon, WA. We have 45 employees and publish six directories in Northwest Washington.

It is my understanding that the Federal Communications Commission is scheduled on February 25, 1999 to consider an order on the subscriber list provision of Section 222(e) of the Telecommunications Act. I am writing to you to respectfully request your consideration of adopting a clear, explicit ruling that will provide independent publishers with access to subscriber list information from telephone companies (teleos) at a reasonable cost such as the \$.04 per listing recommended by the Small Business Administration Office of Advocacy. Additionally, I ask that your ruling include clear directives that the subscriber list information be provided on a non-discriminatory basis with regard to rates, terms, and conditions; the information must be delivered in a timely and unbundled manner; and, include a requirement that the telcos provide Competitive Local Exchange Carriers listings to independent directory publishers.

By way of background, independent telephone directory publishers have had, and continue to have, serious problems in receiving telephone subscriber listings from the teleos which have total control over these listings. Teleos impose high prices, and in many cases unreasonable terms, for access to listings. Some teleos even refuse to provide listings at any price or terms. Examples of problems include the charging of \$1.00 or more for listings, charging extra for updates or refusing to provide them at all, charging different prices for the same listings depending on how it is to be used, requiring publishers to buy all the listings in a state or region when they only need certain areas, and similar restrictions. In our particular case, we are charged \$.35 per listing from GTE, \$.22 from US West, and South Whidbey Telephone Company effectively refuses to sell their listings by asserting that they can only provide hard copies of their listings, which would still require us to re-key all of the listings.

We believe that the House and Senate Commerce Committees added Section 222(e) to the Telecommunications Act to stop these abuses and require that teleos furnish listings at



Feb-11-99 12:47P MacGregor Publishing Co.

360 428-3052

reasonable prices. Unfortunately, for nearly three years these problems have continued despite the intentions of Congress. We must now turn to you to provide independent publishers with a fair remedy to end the abusive business practices of the teleos.

Thank you for your time and consideration of this issue of extreme importance to independent directory publishers.

Sincerely,

Robert W. Taylor, CEO

MacGregor Publishing Company

BLUE VALLEY INC

12009 Johnson Drive Shawnee, Kansas, 66216 Office: 913/631-3500 - Fax: 913/631-0104

February 11, 1999

The Honorable Harold Furchtgott-Roth Commissioner Federal Communications Commission 445 12th Street SW Washington, DC 20554

Dear Commissioner Furchtgott-Roth:

I am writing in my capacity as the CEO of a family owned telephone book publishing figh with less than \$1 million in gross annual billing. I am particularly concerned with Section 222(e) of the Telecommunications Act regarding telephone subscriber listings, that you will soon be voting on. My concern is as follows:

- Section 222(e) guarantees independent publishers such as mine, access to subscriber list information
 on a timely and unbundled basis with non-discriminatory rates and conditions.
- I could give many examples of the telco's monopoly practices in this regard. The most glaring is that I receive listings from the telco in such a jumbled state that I must hire an outside firm just to interpret them. Additionally, I am required to pay 25 cents for each listing, change, disconnect and reconnect. The latter means that if a subscriber has their phone disconnected today and reconnected tomorrow, it costs me 50 cents. The exact same services are 4 cents with other Bell operating companies. We have been waiting for nearly 3 years for the Commission to act on the intent of congress and end such monopoly practices.
- It is very important that any order include a price for SLI or very clear cost-based pricing standards.
 AND a requirement that ILECs must provide CLEC listings to independent publisheds.
- We've been in business for over 12 years and this listing problem has consistently put us in an
 unfavorable competitive situation with the monopoly telco publishers. It is important to keep in mind
 that the telcos receive subscriber listings as part of the REGULATED side of their business. In other
 words, their cost of listings are fled directly to telephone service and passed in to the telophone
 subscriber.

Thank you in advance on behalf of my family and our employees for taking the time to consider this very important request.

Yours truly,

Bill Emerson CEO BLUE VALLEY INC.

BE/kee

02/11/99 THU 14:49 FAX 304 485 5128

OGDEN DIR. INC.



519 Juliana St., P.O. Box 1787 Parkersburg, WV 26102-1787 Phoje (304) 485-1891 Fax (304) 485-7582

The Honorable William Kennard Chairman, Federal Communications Commission 445 12th Street SW Washington, D.C. 20554 February 11, 1999

Dear Chairman Kennard,

On February 25 you and the other commissioners of the FCC are scheduled to vote on a draft order on Section 222(e) of the Telecommunications Act which guarantees independent directory publishers access to subscriber list information from local exchange carriers.

We at Ogden Directories have been waiting patiently for the FCC to act on this issue and hope you will carefully consider how the local exchange carriers have abused the opportunity for us, as well as many other independent publishers, to compete in the market of directory publication by having access to these subscriber lists and updates on a timely basis and at a fair price.

In one particular instance in north central West Virginia, where we publish a regional directory, a small local exchange carrier told us it would cost our company 50 cents per listing to acquire its subscriber list. That is obviously ludicrous and just one example of how the local exchange carriers view the independent publisher.

There must be a fair pricing standard set requiring the local exchange carriers to provide these lists without price gouging and in a timely fashion. Only a clearly defined ruling by yourself and the other commissioners will achieve the goals and intent which Congress had in mind---to make directory publication a truly competitive marketplace for us all.

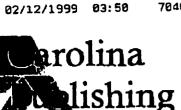
Sincerely

Carl J. Antolini, 111 Director of Operations

Eastern Panhandle/Shenandoah Valley • Mid Ohio Valley • Mountaineer Countily • WashIngton County, MD Marshall University Campus Directory • West Virginia University Campus Directory

THE BLUE BOOKS

7046390270



"The Blue Books"

Fobruary 12, 1999

The Honorable William Kennerd, Chairman Federal Communications Commission 445 12th Street SW Washington, DC 20554

Dear Chairman Kennerd:

As an independent publisher of telephone directories in North Carolina, our success and survival depends greatly upon the ability to purchase accurate and complete subscriber list information from the telephone companies for publication in our telephone directories. This applies to every independent publisher across the nation as well.

It is my understanding that on February 25, 1999, you will be considering an order on Section 222(e), which will guarantee independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions." For several years we have been waiting for the Commission to implement the intent of Congress. As an independent publisher, I have been treated very unfairly by the local exchange carriers in trying to secure this information accurately and in a timely fashion. There seems to be no rational for the rates charged between the different ILECs. For example, pricing in our markets has ranged from .04 to \$2.00 per listing with Bell South and Concord Telephone respectively. We just received a subscriber list from Bell to discover they did not include any CLEC listings. Also, effective February 15, 1999, Bell is increasing the pricing on my weekly update reports by an astounding 1409.96. They offer no reason for this outrageous price inflation.

It is vitally important that any order roust include very clear cost-based pricing standards and requirements that ILECs must provide all CLEC listings to independent publishers. We need a strong and explicit rating by the Commission to end the abuse that we as independent publishers have endured for years from the ILECs.

Please give us independent publishers the right to effectively compete in the marketplace. I am sure you will take this into strong consideration on February 25th.

Sincerely

J. Keith Gibson, President

Carolina Publishing Company, LLC

105 Cox Lane Salisbury, NC 28146

Phone 704-639-0161 Fax 704-639-0270 THEINSIDER

01/09/1995 03:29 9641883



2/12/99

William Kennard
Federal Communications Commission
445 12^a Street, SW
Washington, DC 20554

Dear Chairman Kennard:

As a former employee of a public utility, I was shocked to find out what independent yellow page publishers were paying for directory listings.

I am confused that utility publishers, detective agencies, police departments, credit card companies, independent directory assistance companies and direct mail houses can all pay a cost-base price of a fraction of one cent for their listings, but independent phone book companies have to pay outrageous amounts.

Please make a strong ruling so independent publishers can compete and receive their listings at a reasonable fee.

When considering Sec. 222(e), please guarantee independent publishers access to subscriber list information on a timely and unbundled basis and treat us like other consumers of the same information in regard to rates, terms and conditions.

Wade

Sincerely,

Peggy Wade

President

FEB 12 '99 02:54PM WHITE DIRECTORY/BFLO

THE A TALKING PHONE BOOK.

February 12, 1999

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard:

I am writing concerning an issue which genuinely represents a matter of economic survival for myself and the 450 people employed at my company. My company is White Directory Publishers Inc. We are a 30-year old family owned business headquartered in Buffalo, New York with subsidiaries in 28 cities in the Eastern United States. We are an independent telephone directory publisher and a member of The Association of Directory Publishers (ADP).

On February 25th you will be voting on an order on Section 222 (e) of the telecommunications act. Section 222 (e) guarantees independent telephone directory publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates terms, and conditions". It is vitally important to all independent publishers nationwide that any order you adopt on 222(e) includes the following:

- 1. A price for subscriber list information or a clear cost-based pricing standard
- 2. A requirement that ILEC's must provide CLEC listings to independent publishers

The absence of either one of these points will threaten the future existence of the hundreds of independent publishers which operate in the United States.

For over ten years the incumbent telephone companys have attempted to manipulate their control of subscriber listing information as a means to limit competition in the yellow page business. Their efforts have been largely successful. Today, telephone company's control 94% of the yellow page business in this country. This is a degree of hegemony never achieved by

WHITE DIRECTORY PUBLISHERS, INC.

Corporate Office - 1945 Sheridan Drive - Buffalo, New York 14223

(716) 875-9100

Fac: (716) 874-4585 EMail: white Octpb.com Website: www.elpb.com

P.3

Page Two

companys like General Motors and IBM which are regarded as dominating their fields. The access-to-listings issue is the root cause of the lack of competition within this industry. During the long and bitter battle over listing availability we at White Directory have experienced, first-hand, many cases of telco manipulation of listing access.

Over the years our Company has been compelled to pay per-listing prices ranging anywhere from .04 to \$1.25 to different telephone companies for exactly the same information on exactly the same (magnetic tape) medium. Even after passage of 222(e) this situation did not improve very much. Today, we still pay dramatically different listing prices to different phone companies, from .04 to .95 per listing! This inconsistent and inflated price range underscores the fact that the teleos are pricing their listings to limit yellow page competition rather than basing their prices on any reasonable formula.

Recently, In another attempt to use their control of listing information to limit yellow page competition, one telephone company, Bell South, has denied independent publishers access to the CLEC subscriber listing information which is maintained within Bell South's database. Bell South has been difficially charged with responsibility for maintaining this database and all CLEC's operating in Bell South's region are compelled to supply their information to Bell South. Bell South includes the CLEC listing information in their own directories, but refuses to make it available to competing independent publishers. If this state of affairs is not corrected immediately, it will irreparably damage the independent directory publishing industry.

Bell South actively uses their exclusive control over CLEC information in the field to gain an advantage over its independent competitors. Please see the enclosed Bell South sales piece entitled "Questions to ask The Talking Phone Book" and note the last question on the list. This is a piece that Bell South representatives are currently distributing in the Titusville Florida area.

Our Company has made a very through attempt to obtain CLEC listing information directly from each CLEC which operates in our area. As a practical matter we have found that it is impossible to get complete CLEC information thru direct contacts. In fact, most of the time, it is impossible to even identify all the CLEC's who operate in our area. For a detailed account of our efforts to obtain CLEC information for our directories in South Carolina, the burdens this has imposed on us, and the practical factors which ultimately make this impossible, please see the exparte filing made by Wilkle Farr & Gallagher on behalf of ADP.

FEB 12 '99 02:55PM WHITE DIRECTORY/BFLO

Page Three

In light of the proliferation of CLEC's and the progress they are making signing up subscribers, I can't stress enough how imperative it is that the FCC give us immediate relief on this issue. Otherwise, it is likely that independent directories will suffer a fatal loss of confidence among consumers. This loss of confidence by end users of the directory may be impossible to ever recover. Most of the telephone companies in the country are routinely "passing thru" CLEC listings to independent publishers. But Bell South is transparently using this issue to permanently damage its independent yellow page competitors. It is critically important that the FCC intervene immediately and adopt an order which corrects this CLEC listing issue and which establishes a clear cost-based price for subscriber listing information.

Otherwise, the telephone companies will deal a crippling blow to our industry and to the thousands of people that are employed within it.

Sincerely.

Richard D. Lewis President & CEO

RDUlar

Enclosure

Page 7/12

. FEB 12 '99 DZ: 55PM WHITE DIRECTORY/BFLO

10.

Questions to ask the"The Talking Phone Book"

- 1. What benefit is there to having two telephone directories serving the same market arch?
- 2. Will I save money by advertising in two directories?
- 3. Can you furnish names and contact numbers of any customers who kept the same programs in both books and experienced a reduction advertising costs?
- 4. How much will the ade cost when they much full price?
- 5. If "The Talking Phone Book" doesn't make their raise objective, will they still publish a book?
- 6. When a new resident or business moves into Braverd, and inscalls a phone, how long before they receive a book?
- 7. How long do I have, after I sign up, to cancel my ad if I change my mind?
- 3. How are you obtaining listing information of now people moving into the area?
- 9. How do you get this information from other misphone companies providing local service?

ID:PDS PHONEGUIDE

FAX:616-592-4755

AGE

2

- PDS -PhoneGuide

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

February 12, 1999

Dear Chairman Kennard,

It is my understanding that a decision on Section 222 of the Telecommunications Act is scheduled for Thursday, February 25.

As an independent publisher it is imperative we have access to subscriber list information on a timely basis with fair rates and conditions.

We are presently at the mercy of the utility companies whose rates in our market range from \$.14 to \$.50 per listing plus various administration fees and long waiting periods. This leaves us with expensive out dated material upon arrival.

A prime example is the Upper Peninsula Telephone Company. Their license agreement states they charge \$.50 per listing, \$250 in administrative fees, a \$25 tape fee plus \$.35 per listing reproduction proof fee. Furthermore, these listings are from their book on the street. They are not even up to date when ordered. Their agreement also states our company would be held responsible for any errors in this out dated information they supplied.

Updates of new businesses and residential listings are available to our company through Ameritech and GTE. Ameritech charges \$.13 per update. GTE charges \$.60 each business listing and \$.55 per residential, plus a one time fee of \$600 for set up. The information can only be retrieved on the internet and we would have to download daily. If we did not download daily we would lose the information and still be charged for what was posted.

The precedent set for reasonable listing price in Michigan is \$.13 per listing or less, which is the rate we are being charged by Ameritech. Per TELRIC studies the actual cost of providing us listings is closer to \$.05 per listing.

Pioneer Directory Service 18605 Northland Drive, P.O. Box 915, Big Rapids, Mt 49307 (616)592-4737

Sent By: ;

616 922 9052;

Feb-12-98 5:14PM;

Page 9/12

PAGE 3

02/12/99 15:07 ID:PDS PH

ID:PDS PHONEGUIDE

FAX:616-592-4755

It is imperative that this over pricing and total lack of an industry standard be brought under control and that we receive updated information from all local exchange carriers in a timely manner, including the ever growing GLEC listings.

I am requesting your support of the independent publishers for the guarantee of non discriminatory rates, terms and conditions in a timely unbundled manner from all local exchange carriers.

Sincerely,

Linda Stevens

Manager, Pioneer Directory Services

Greater North Texas Spanish Yellow Pages

February 9, 1999

The Honorable
William Kennard, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Kennard:

We understand that yoù will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions" taking place on February 25.

This issue has incredible important to independent directory publishers across the United States already who have been waiting for nearly three years for the Commission to implement the intent of Congress and end the abusive behavior of local exchange carriers in the marketplace. In our case we have been forced to use secondary services because we can't afford to buy them.

It is imperative that any order MUST include a price for SLI or very clear <u>cost-based</u> <u>pricing</u> standards AND a requirement that ILEC's must provide CLEC listings to independent directory publishers.

Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered and serve to establish a truly competitive marketplace.

Sincerely.

Doris Bello Thornton

Publisher

DBT/mr



February 10, 1999

The Honorable William Kennard Chairman Federal Communications Committee 445 12th Street, SW Room 8-B201 Washington, DC 20554

Dear Chairman Kennard:

It is our understanding that you and the other Commissioners will be considering an issue that is vitally important to independent directory publishers in the United States. Independent publishers have been waiting almost three years for the Commission to implement the intent of Congress to end the abusive behavior of local exchange carriers in the competitive markets. An order on Section 222(e) will guarantee independent directory publishers access to subscriber list information on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions.

It is very important to all of us that the order include a price for subscriber list information or for very clear cost-based pricing standards. Also, there should be a requirement that ILECs must provide CLEC listings to independent directory publishers. We are only looking for a fair and even playing field, and a truly competitive marketplace.

Thank you for your attention to this very important matter. SLI is the backbone of our publishing business. We believe very strongly that a positive order on February 25 will deliver a much more competitive environment.

John P. Morgan

President

Copy: Bill Hammack Larry Angove

Page 12/12

PHONE NO. : 818 504 6451

Feb. 12 1999 11:26AM P1



February 12, 1999

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20554

3 / ...

Dear Chairman Kennard,

I am a publisher of independent yellow page directories in the Los Angeles area. My family has been running this business since 1970. We are one of hundreds of small companies in this country that do the same work. I am writing you because I understand that you will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions", on February 25, 1999.

It is my hope that you understand how important this issue is to all of the companies, like ours, and all of the people in the country who use our directories. It is imperative that any order must include a)cost-based pricing standards and b)a requirement that the ILEC must provide CLEC listings to independent directory publishers.

Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered. Only that strong and explicit ruling by the Commission can serve to establish a truly competitive marketplace.

Sincerely,

Jerry Amold

President

Arnold Advertising, Inc.

"The Best and Brightest"

ten.zegsgwodnist.www

X

277 Steubenville Road
Carrollton, Ohio 44615
330.627.3938
FAX 330.627.2131
cmail: Bryan@advantagepages.com

Shaw Publications, Inc.

February 11, 1999

The Honorable William Kennard
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Kennard:

I writing this letter on behalf of our company, it's 36 employees and all the consumers we serve. I understand that you will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rate, terms and conditions", on Febuary25. These listings are essential in order for our company to be competitive and to succeed in producing a useful directory. Think about the way you yourself use a "phone book", if they're were more than one directory competing for your usage. I think you would agree that your number one consideration in selecting a directory to use would be its accuracy of information. Because this information is controlled by the utility companies we are at a big disadvantage in competing for your usage. It is imperative that you implement the intent that congress had nearly three years ago and remove the monopolistic practices that exist today.

If you just rule that they must provided us with these listing they will do as GTE has already done and set the price points to keep the competitive edge. A ruling must include a very clear pricing standard or they will again use their monopolistic powers to undermine the FCC and gain the upper hand. At this very time we are scrambling to gain access to CLEC listing's, because this has become another avenue for the utility companies to gain an unfair advantage in this important issue of information. We believe the FCC must force the ILEC's to provide all of the CLEC listings or we will not be able to compete on a fair basis.

The only way we will ever be able to compete is by a ruling by the FCC that establishes a truly competitive marketplace. Please send a strong ruling that ends these abuses and gives the upper hand back to the consumer were it belongs.

Sincerely,

Bryan T Shaw Vice-President

Shaw Publications, Inc.

Bycom 7 Show

Bonnie K Shaw

President

Shaw Publications,Inc

Bonie K. Shaw



FAX NO. 6196951490

P. 1



9715 Corroll Centre Road San Diego. California 92126 619 695-1455

February 12, 1999

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th St SW - Room 8-B201 Washington, DC 20554

Dear Chairman Kennard:

It has come to my attention that on February 25 the Commission will be considering an order in Section 222(e) which guarantees independent telephone directory publishers access to subscriber list information (SLI) "on a timely and unbundled basis, with nondiscriminatory rates, terms and conditions."

American Madia is an independent directory publisher operating in Southern California. This issue is vitally important to our Company and other independent publishers in California and across the country.

It is so important because local exchange carriers are our sole source for reliable listing information. California carriers, without exception, leverage their sole-source advantage to the benefit of their publishing affiliates.

For example, Pacific Bell & GTE charge vastly different amounts for listing information, none of which have a rational relationship to industry norm compliation costs. Prices for GTE's business updates exceed Pacific's by a minimum of 149%, and in some instances by 600%.

In addition to charging monopolist's prices, these carriers reserve some listing information for the exclusive use of their publishing affiliates. GTE, for example, refuses to provide listing address information necessary to deliver our directories to all "New Move-ins". Meanwhile, their promotional materials brag that "Newcomers are sent a directory within 24 hours of establishing phone service" or that "No one can deliver to New Movers faster." Similarly, they delay our

FAX NO. 6196951490

P. 1

The Honorable William Kennard, Chairman February 12, 1999
Page -2-

receipt of new business installations, giving their Yellow Pages' organization an opportunity to make a first sales presentation. Providing competitive directory products without access to such complete and timely information is very difficult.

For years, independent publishers have endured these and other abusive behaviors from local exchange carriers. For almost three years, we have been anxiously waiting for the commission to implement Congresses' true intent of Section 222(e). Your decision on this matter is very important to our ability to effectively compete with companies that affect our destiny via their control of subscriber listing information.

We believe, and hope the commission agrees, that a truly competitive Yellow Pages advertising industry is in the interest of both advertisers and directory users. Over the last two decades, almost all new innovations, such as color ads, have been introduced by independent publishers. And, our lower rates have a significantly slowed "cost per thousand" expenditures for the nation's small businesses. In spite of these benefits, the full effect of competition has yet to materialize. The strangle-hold that local exchange carriers have on listing information has allowed them to retain a 90% market share...a share that would be impossible in a truly competitive market.

In closing, it is important that your order:

- ✓ Explicitly details a cost-based price for SLI or, a standard for cost-based pricing.
- ✓ Requires provision of SLI in a timely manner, equivalent to that
 accorded LEC publishing effliates.
- ✓ Requires provision of listing information adequate to deliver directories to all "New-Movers".
- Requires that ILEC's pass through CLEC listings to independent publishers.

Thanks for your consideration.

Yours truly

Roy French President

RF:pk
PKWP/Files/Roy/Kennard,lex

Feb-15-98 9:50AM;



February 11, 1999

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard,

I understand that you will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions", on February 25.

This issue is vitally important to independent directory publishers across the country who have been waiting for nearly three years for the Commission to implement the intent of Congress and end the abusive behavior of local exchange carriers in the marketplace. For years we have been overcharged for inaccurate and incomplete information.

It is imperative that any order must include a price for SLI or very clear gost-based pricing standards and a requirement that ILECs must provide CLEC listings to independent publishers. Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered and serve to establish a fully competitive marketplace.

Sincerely,

David B. Healey General Manager 8063542723

Page 2/3

TO:616 922 9052

PAGE: 02

FROM : RICK KLEIN

PHONE NO. : 415 775 5086

Feb. 15 1999 09:50AM P1

Tahoe Telephone Directories

P.O. Box 6540 Stateline, NV 89449-6540 800 426-7397

February 15, 1999

The Honorable William Kennard Chairman Foderal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Dear Chairman Kennard:

It is our understanding that the FCC will be considering an order of Section 222(e) on February 25, 1999. This draft order would guarantee independent publishers, like my company, to gain access to subscriber list information in a timely and unbundled manner, with nondiscriminatory rates, terms and conditions. This issue is vitally important to independent publishers across the country, and we hope that our situation will be considered as you make your ruling.

Our ability to compete with directory providers for the incumbent local exchange carriers has been severely impacted by the current policies and pricing for these lists. For three years, we have been awaiting the implementation of the intent of Congress by the Commission to end the abusive behavior of these local exchange carriers in our marketplace.

In our case, we have been in this market for over 15 years, and have had difficulties acquiring accurate information at a fair price. When updates are needed, prices are often more expensive than the original costs for likes. We feel that such overblown prices and resistance to provide information to us is a practice that impedes fair competition, is predatory and should be ended.

1 1 8063542723

Feb-15-99 11:06AM; TO:616 922 9052

Page 3/3

PAGE: 03

FROM : RICK KLEIN

PHONE NO. : 415 775 5886

Feb. 15 1999 09:51AM PZ

It is clear that any order on Section 222(e) must include a price for subscriber list Information (SLI) or very clear cost-based pricing standards and a requirement that the incumbent local exchange carriers provide competitive local exchange carrier listings to the Independent directory publishera.

In this regards, we believe it is necessary that a strong and explicit ruling by the Commission be made to end the abuses independent publishers have been aubjected to over the years. This ruling would also assure a truly competitive marketplace, which in our view was the true intent of Congress for the Telecommunications Act.

Sincerely.

Owner

THE SOURCE BOOK

The Source Book

7208 W. University Avenue, Gainesville, FL 32607 Phone: 352-331-3200 - Fax: 352-331-4445 800-536-5700

February 11, 1999

The Source Book

of North Central Firoida A Division of The Gatnesville Sun P.O. Box 147147 Gainesville, Ft. 32614-7147 352-331-3200

The Honorable William Kennard Federal Communications Commission 445 12th Street, SW Washington, DC 20544

4440

Dear Chairman Kennard:

The Source Book

of Marion County
A Division of
the Ocala Star Banner
P.O. Box 190
Ocala, Florida 3:4478
352:440:0774

The Source Book

of Putnam County
A Division of
the Palatka Dathy News
P.O. Box 777
Palatka, Fl 32177
#00-536-5700

The Source Book

of Columbia - Sumanoce Hamilton Counties
A Division of
the Luke City Reporter
P.O. Box 1709
Lake City, FL 32656
800-536-5700

The Phone Book

of Polk County
A Division of
The Ledger
P.O. Box 408
Lakeland, FL 33801
941-291-4700

11te Source Book

of Highlands County A Division of The Sebring NewsSian 2227 U.S. 27 South Schring, 19, 33870 941-385-6155 It is my understanding the Federal Communications Commission will be considering an order on Section 222(e), which guarantees independent publishers, like The Source Book, access to subscriber lists information "on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions", on February 25.

This issue is of extreme importance to independent directory publishers across the country who have been waiting for almost three years for the Commission to implement the intent of Congress and put an end to such abusive behavlor by local exchange carriers in the marketplace. We have had to endure costs way above the average for such information. Rates for these services should be uniform and controlled. Information should also be accurate and up to date. We have received information that has been as did as three years and our customers have complained annually! While paying a premium for such information, we should expect reliable listings.

Therefore, it is of the up most importance that any order must include a price for SLI or very clear cost-based pricing standards and a requirement that the ILECs provide CLEC listings to independent directory publishers that are accurate.

I feel the only way this can be accomplished is by a strong and explicit ruling by the Commission. Only then will an end to the abuses independent publishers have suffered be rectified. At that time, we will then have a truly competitive marketplace.

Thank you for your assistance in making our business market fair and impartial.

Sincerely

Mitch Glaeser General Manager

MG:be



Noverr Publishing Inc. 3054 Cass Rd. P.O. Box 879 Traverse City. Mt 49685-0879

616 946-7650

February 15, 1999

The Honorable Willaim Kennard, Chairman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard:

Our company publishes five independent telephone directories serving thousands of businesses and hundreds of thousands consumers here in Michigan. The well being of dozens of employees and scores of their family members depend directly on our ability to compete in the marketplace.

I would ask that you keep the following facts firmly in mind as you vote on the order regarding Section 222(c) and subscriber listing information issues on February 25th.

We have never, since we became a directory publisher in 1985, been able to compete on a level playing field due to the abusive and anticompetive practices of the telephone company parents of our directory publishing competitors. Within three years after we entered the business, the per listing rate demanded by Michigan Bell (now Ameritech) increased five-fold. A year later, they doubled the cost without advance notice. One year, they left out so many of the listings for one of the exchanges we ordered under license that we had to reprint our directory. Assuming that all the RBOCs have approximately the same economies of scale relative to maintaining the listings databases for their regulated core business, we believe that Ameritech extracts a per-listing margin of some FOUR THOUSAND PERCENT (4,000%). Add to this all the hoops they force us to jump through because of constraining terms and conditions in their license agreements and you will appreciate both the frustration we feel and the imperative before the Commission to issue a strong and explicit ruling on 222(e). This is all the more true now that the Supreme Court has overturned the 8th Circuit and affirmed the Commission's jurisdiction to set rates.

Our desire is simply to be rid of all the rear-guard battles we have had to continually fight because of the predatory behavior of the telcos, and to be able to concentrate our full efforts on competing in the marketplace, which is what the telcos fear and precisely why they have fabricated their maze of impediments through the years.

A fair and just order must include a price for SLI or unequivocal, cost-based pricing guidelines, as well as a requirement that the incumbent LECs provide to independent directory publishers the CLEC listings they have leveraged to their advantage through their interconnection agreements.

Sincerely,

David McLcod

ID:9378598136



February 15, 1999

PEB-16-99 09:34 FROM: COUNTY WIDE

The Honorable William Kennard, Chairman Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Dear Chairman Kennard:

I understand that on February 25, you will be considering an order on Section 222(e), which guarantees Independent publishers access to subscriber list Information on a timely and unbundled basis, under nondiscriminatory rates, terms and conditions".

This issue is vitally important to the independent directory publishers across the country who have been waiting for nearly three years for the Commission to implement the intent of Congress and end the abusive behavior of local exchange carriers in the marketplace.

I feel it is imperative that any order must include a price for SLI or very clear, dost-based pricing standards and a requirement that ILEC's must provide CLEC listings to independent directory publishers.

We publish seven phone guides and rates we are charged per SLI vary from \$.13 charged by Ameritech in Springfield, Ohio to \$.35 charged by GTE in Richmond, Indiana.

I also believe that only a strong and explicit ruting by the Commission will end the abuses independent publishers have suffered and serve to establish a truly competitive marketplace.

Your favorable consideration of the above concerns will be greatly appreciated.

Respectfully

Jim Striplin President

JS/pck

3634 Watertower Lane . Dayton, OH 45449

Fex: 937-859-8130

Phone: 937-859-4613

Sent by: CHAMPION DIRECTORIES

Feb-16-99 7:07AM;

Page 3/3

02/15/99 3:33PM; Jetfax #919; Page 2/2

Champion Directories Inc

P.O. Box 22 Norwalk OH 44857 419 668-1280 000 556-8830 Fax 419 563-0574

www.chaniniundirectories.com

February 15, 1999

Honorable William E Kennard Chairman Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Dear Chairman Kennard:

It is my understanding that in the near future you will be considering an order on Section 222(c) which is extremely important to independent publishers because it guarantees them access to subscriber list information "on a timely and unbundled basis, under nondiscriminatory rates, terms, and conditions".

I cannot emphasize enough how vitally important it is to independent publishers such as myself who have been waiting for nearly three years for the Commission to implement the intent of Congress and end the abusive behavior of local exchange carriers in the marketplace.

For several years I have tried to work with two exchange carriers in my markets and have either been told they "couldn't help me" or quoted prices that are totally and absolutly unreasonable by any standards.

Please understand that it is imperative that any order must include a price for Subscriber List Information that is clear and cost-based, also it should require that ILECs must provide CLEC listings to the independent directory publisher.

A final word, Only a strong and explicit ruling by the Commission will end the abuses independent publishers have suffered and serve to establish a truly competitive marketplace.

Sincerely

PAITSELD MEADOWS PRESIDENT

Sent By: ADP;



Golden Triangle Telephone Directory, Inc.

Established 1984

2290 Eastex Freeway • Beaumont, Texus 77703 (409) 899-1299 or (409) 727-4540

Dear Chairman Kennard:

I understand that you will soon be considering an order on section 222(e) of the Telecommunications. Act. As an independent directory publisher in Beaumont, Texas, I am very confident that we will finally be given access and competitive pricing to listings that is non-discriminatory. Our business has a very difficult time competing with the local exchange carriers that do not provide us with timely and accurate unbundled listing at a reasonable fee.

It is vital that the section 222(e) order contain language that either establishes a listing price or a very clear "cost - based" pricing standard for listings. As an independent publisher who relies on accurate listings for our survival we would also implore you to require that ILEC's provide CLEC listings to us.

This issue is very important to all publishers in America and our customers who rely on us for innovation, accuracy, and a buffer to high utility phone book rates. This ruling will finally put to rest our long term suffering and constant fighting with the utility companies over listing access. All we want is a legal playing field which is really competitive!

Thank you for your attention and courage to vote on this matter in a true democratic fashion.

Sincerely,

ary Spring - Publishe





Clarke Directory Publications, Inc.

Publishing Telephone Directories Since 1950

February 12, 1999

The Honorable William Kennard Chalman Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Dear Chairman Kennard:

It is my understanding that the Federal Communications Commission will be considering an order on Section 222(e), which guarantees independent publishers access to subscriber list information "on a timely and unbundled basis, under non-discriminatory rates, terms and conditions", on February 25, 1999.

I have been in the independent telephone publishing business for over 40 years. Prior to establishing Clarke Directory Publications, Inc. In 1964, I worked for my father's independent telephone book publishing company. My company, Clarke Directory Publications, Inc., publishes four telephone books yearly in the San Gabriel Valley and Inland Empire in Southern Callfornia.

As you can well imagine, I have seen many changes in this Industry, some were for the good of the industry and some not for our good. But, the one thing that hasn't changed in my mind, is the cavalier attitude of the telephone utility companies.

By exercising their monopoly, the telephone utility companies assume exclusive possession and control of the subscriber lists, even though this is not their exclusive private information. By so doing, they create a hardship on independent telephone book publishers, not only in the area of cost of information, but also in timely accessibility. This makes it impossible for us to compete on a level playing field.



Clarke Directory Publications, Inc.

Publishing Telephone Directories Since 1950

The Honorable William Kennard

-2-

February 12, 1999

Since 1982, Clarke Directory has paid the Telephone Utility Companies In our area over \$450,000.00 to purchase subscriber list information and updates. I truly believe this to be excessive and unjustifiable. Only \$50,000 of this amount was for reproduction costs, surcharges, sales tax, California teleconnect fund, universal lifeline telephone service, California relay service, and printing costs, etc. In other words, my company has paid \$400,000 to the Telephone Utility Companies for subscriber list information. I consider this to be abusive and certainly not non-discriminatory as Section 222(e) intended.

Recently, we began to purchase subscriber list information on tape instead of hard copy. Unfortunately, this entails another cost to my company, as our computer programmer now needs to extract the listings from the tapes provided by the telephone utility company for our particular coverage areas. Also, in some cases the tapes are old and unreadable and need to be reformatted. This can create a major problem in that we need to be on schedule with our outside vendors and need to adhere to a strict delivery schedule per our contracts with our yellow page advertisers.

l ask that any consideration you and the other Commissioners give to the order on Section 222(e) include a clear and fair pricing standard and will give the independent publishers a better chance to compete and stay in business. We need to establish a truly competitive marketplace and the Federal Communications Commission has it in their power to do this.

Cordially

dames W. Clarke

President

JWC:mc

Cc: David Dreier, Congress of the United States - 28th District

Barbara Boxer, United States Senator Dianne Feinstein, United States Senator

Yellow Book USA

ONE HUNDRED NORTH CENTRE AVENUE ROCKVILLE CENTRE, NY 11570

February 11, 1999

The Honorable William E. Kennard, Chairman Federal Communications Commission 445 12th Street, SW, Room 8-B201 Washington, DC 20554

Dear Chairman Kennard,

We are one of the largest independent non-telephone affiliated directory publishers in the country, publishing approximately 250 directories in 13 states including Washington, DC. We are also long term members of ADP which has previously brought to the Commission's attention the need to guarantee independent publishers access to subscriber list information on a timely and unbundled basis, under non-discriminatory rates, terms and conditions with clear cost-based pricing standards. This would permit open competition on a level playing field with the telephone companies who are in a monopoly position.

616 922 9052;

Recently we were very pleased by the New York Public Service Commission ruling on these issues:

- 1) Ruling that the listings are an essential service and are to be provided to Independent Directory Publishers on a timely and unbundled basis and
- Ruling that prices be set at non-discriminatory rates based on incremental 2)

It is vitally important to us and all directory publishers that the Commission rule on Section 222(e) and guaranty independent publishers the end of abusive, monopoly behavior in the marketplace.

For example, in New York the PSC required NY Telephone to provide a cost based tariff priced on an incremental cost basis. As a result the proposed tariff in NY is .03 per listing as compared to .20 previously charged.

We believe that only a strong and explicit ruling by the Commission will end the abuse suffered by independent publishers and thus establish a truly competitive marketplace.

Very truly yours.

/Joseph A. Walsh

CEO

Yellow Book USA, L.P.

PHONE 618/766-1900 . 718/343-8600 www.yellowbook.com

Feb-16-99 11:38AM;

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FEB 16'99 13:42 No.001 P.02



February 16, 1999

The Honorable William B. Kennard Chairman Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Dear Chairman Konnard:

On Pebruary 25th the PCC is scheduled to issue an order outlining rules for Section 222(e) of the Telecommunications Act. Please know that your vote on this order will have a profound impact on hundreds of small businesses and the many workers they employ.

The order is scheduled to implement rules on the pricing and accessibility of subscriber list information (SLI) for directory publishers. Current, up-to-date SLI is essential to publishing accurate and complete telephone books. When Congress included Section 222(t) in the Act, it intention was to guarantee directory publishers access to SLI "on a timely and inhundled basis, under nondiscriminatory rates, terms and conditions."

For years, independent telephone directory publishers (those not affiliated with a LEC) have struggled with horrific anti-competitive actions by local exchange carriers as we attempted to compete in the publishing of white and yellow page directories. The telephone companies, which today control 94% of the yellow page business in America, have used their control over SLI to stifle competition. Outrageous pricing, bundling, and even refusal to sell are just some of the problems we have faced. And, despite the inclusion of Section 222(e), these abases continue today. The Regional Bell Companies, GTE and other LECs have chosen to ignore the law.

Over the past three years, my company and other members of the Association of Directory publishers have filed comments and made visits to the FCC to establish a record to aid in the decision making process on Section 222(e). Many others, including the Association for Local Telecommunications Solutions (ALTS) and the Small Business Administration's Office of Advocacy, have joined in supporting ADP's position on SLI rules. I feel the record is complete and I know that your staff will have reviewed it carefully. Now it's time for you to make the final decision.

Please include in this order an incremental, cost based price for subscriber list information. Also, please require that ILEC's provide CLEC listings to directory publishers. If you'do not decisively address these two issues, you literally threaten the ability of many small publishers, like the SunShine Pages, to stay in business.

Thanks for your consideration.

THE PARTY OF THE PROPERTY OF

Sincerely

Bill Hammack President

Louisiana Corporate Office 3445 N. Causeway Blvd. 4th Floor Metairle, LA 70002 (504) 832-9835

NorthShore Sales 800 Ramon St. Mandeville, LA 70448 (504) 626-0274

Florida West Coast Sales 540 Interstate Court Sarasota, FL 34240 (941) 378-2550

East Coast Sales 759 S.E. Federal Hwy. Suite 301 Stuart, FL 34994 (501) 221-9060

Tennessee Memphia Sales 6063 Mt. Morieh Extd. Suite 14 Memphis, TN 38115 (901) 547-0692